VOLUNTARY MANSLAUGHTER: DIMINISHED RESPONSIBILITY
[FLASH CARD 1 OF 3]

- D would otherwise be guilty murder / plead partial defence / guilty of manslaughter / more sentencing discretion
- abnormality mental functioning / reduced to manslaughter / limited insanity (S2(1) Homicide Act 1957 (HA 1957)) / amended by S52 CJA 2009

Abnormality of Mental Functioning:
- abnormality of mental functioning / replaces old term abnormality of mind
- Lord Parker / defined abnormality of mind / ‘. . . a state of mind so different from that of ordinary human beings that the reasonable man would term it abnormal.’ (Byrne)
- likely same standard of abnormality / test D's mental functioning so different from ordinary / reasonable man term it abnormal

Recognised Medical Condition:
- broad / physical & psychological conditions
- pre-menstrual tension (English) / post natal depression (Reynolds) / Battered Woman's Syndrome (Ahluwalia)
- medical evidence must confirm / abnormality of mental functioning / caused by recognised medical condition

bits of law

VOLUNTARY MANSLAUGHTER: DIMINISHED RESPONSIBILITY
[FLASH CARD 2 OF 3]

Substantially Impair:
- D's abnormality of mental functioning / must substantially impair mental responsibility for conduct / term unchanged from HA 1957
- substantial not mean total nor minimal / jury to decide / question of fact judge may withdraw point from jury / if no evidence (Lloyd)
- impairment must be / understanding nature of his conduct / forming a rational judgement / exercising self control
- understand nature conduct / D is acting automatically / not aware of his conduct / suffering delusions or severe learning difficulties
- form rational judgement / D does know nature of conduct / cannot form rational judgement / suffering paranoia or schizophrenia (Martin)
- exercise self control / D sexual psychopath strangled and mutilated V (Byrne)
- must be proved / substantial impairment / provides an explanation for D's conduct / causal connection introduced (CJA 2009)
- abnormality of mental functioning / not need to be only factor / must be a substantial one

bits of law
VOLUNTARY MANSLAUGHTER: DIMINISHED RESPONSIBILITY

[FLASH CARD 3 OF 3]

Intoxication:
• general rule / intoxication cannot support diminished responsibility
• alcohol or drugs not sufficient / to amount to injury (medical condition) / effect transient (Di Duca)
• abnormality of mental functioning / must be caused by recognised medical condition / wording strengthens /limits jury discretion (CJA 2009)
• further complications / D suffers some abnormality of mental functioning & intoxicated / D must satisfy jury abnormality of mental functioning substantially impaired mental reasoning / at time of the killing
• Lord Hutton / ‘.. the important question is: did that abnormality substantially impair his mental responsibility for his acts in doing the killing?..’ (Dietschmann)
• D intoxicated may be irrelevant (Robson) (Hendy)
• further consideration / if D suffering from drug or alcohol addiction & dependency / key factor control over intoxication
• Alcohol Dependence Syndrome (ADS) / recognised medical condition / sufferer cannot control their drinking
• D was an alcoholic / drunk nearly a whole bottle of vodka before killing / D's murder conviction upheld / evidence showed D exercised control over drinking that day (Tandy)
• voluntariness / whether D's alcohol dependency caused brain damage / important in jury directions (Wood) (Stewart)
• jury must consider / was D suffering from abnormality of mental functioning / was this caused by ADS / was D's mental responsibility substantially impaired / was abnormality cause or significant factor in causing D to kill V